

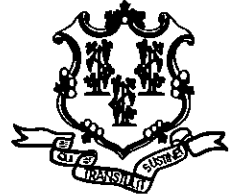


**STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES**

**Public Hearing Testimony**

**Judiciary Committee**

**February 28, 2011**



**S.B. No. 1058 (RAISED) AN ACT CONCERNING THE APPLICABILITY OF  
PROBATE COURT ORDERS TO STATE AGENCIES.**

The Department of Children and Families **opposes** S.B. No. 1058, An Act Concerning the Applicability of Probate Court Orders to State Agencies.

DCF believes that this bill is unnecessary as existing statutes confer authority to the Probate Court to enter orders regarding the Department of Children and Families to protect children. In instances when relatives of a minor child petition the Probate Court to obtain custody or guardianship, the Probate Court has the authority under section 45a-619 to order the Department to investigate and render a written report containing such facts relevant to the court's determination of whether the proposed court action will be in the best interests of the minor child. Expanding Probate Court's authority to enter any orders beyond the investigation and report would place an undue burden on the Department. It would cause the Department to increase staff and resources to the Probate Court to comply with any additional probate court orders. Additionally, sections 45a-607 and 45a-610 expressly provide the Probate Court with the authority to ensure the child's safety by granting custody or guardianship of the child to the Department of Children and Families. These statutes provide appropriate authority to the Probate Court to safeguard the well being of children by ordering custody or guardianship to the Department.

The Department remains willing to work with the Probate Court administration to address the issues that we have highlighted in our testimony.

**H.B. No. 6442 (RAISED) AN ACT CONCERNING THE APPOINTMENT OF  
COUNSEL AND GUARDIANS AD LITEM IN CHILD PROTECTION  
MATTERS, AND THE APPOINTMENT OF PERMANENT LEGAL  
GUARDIANS.**

The Department of Children and Families **supports** H.B. No. 6442, An Act Concerning the Appointment of Counsel and Guardians Ad Litem in Child Protection Matters, and the Appointment of Permanent Legal Guardians.

This bill provides a permanent alternative to termination of parental rights for parents that might encourage them to consent to a transfer of guardianship more often. This, ultimately, will reduce DCF case management and court oversight of cases.

The Department would request a minor clarification beginning on line 589 to add the term "the expiration of" before the word "any." Therefore an amended subsection (r) would read:

"(r) The provisions of section 46b-59 shall apply to any request by a person related to a child or youth by blood or marriage who is seeking visitation rights to such child or youth subsequent to the expiration of any order of protective supervision, transfer of legal guardianship to a person or agency other than the Department of Children and Families or transfer of permanent legal guardianship by the Juvenile Court. All such matters shall be heard by a judge assigned to hear dissolution of marriage cases in the Family Division of the Superior Court."

We seek this change to ensure that we satisfy federal Title IV-E requirements which require that we document why adoption is not the right permanency plan for a child.